

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FILED
OCT 05 2009
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT JAMES LAWTON,

Defendant.

CR 09-16-BU-DWM

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before the undersigned pursuant to Fed. R. Crim. P. 11 and has entered a plea of guilty to the charge of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) (Count I), and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) (Count II) as set forth in the Indictment filed against him. Defendant has also agreed to the forfeiture allegation pursuant to 18 U.S.C. § 2253(a).

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,

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2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge,

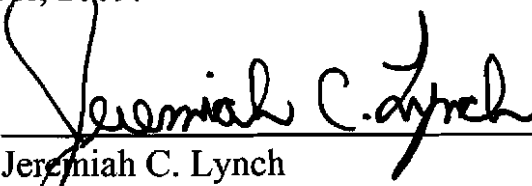
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights, by pleading guilty, and,

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

Therefore, I recommend that the Defendant be adjudged guilty of Counts I and II of the Indictment, and that sentence be imposed.¹ A presentence report has been ordered. I further recommend that the identified property be forfeited.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the presentence report.

DATED this 5th day of October, 2009.


Jeremiah C. Lynch
United States Magistrate Judge

¹ Objections to these Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59(b)(2).